

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN RE:

Case No. 11-50955

Chapter 13

Hon. Shefferly

Julie Torres

Debtor.

CHRISTOPHER E. FRANK (P67169)
THE LEDUC GROUP, PLLC
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MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES Christian Financial Credit Union, by and through its attorneys, The Leduc Group, PLLC and for its Motion for Relief from Automatic Stay states as follows:

1. Christian Financial Credit Union, holds a perfected security interest by statute and contract in collateral namely, shares held jointly by the debtor with the credit union in the amount of \$1,179.25. (See attached statement of accounts).
2. The payoff on the debtor's account as of the date of filing, including late fees and miscellaneous charges, was \$1,038.15 (see attached).
3. Pursuant to MCLA 490.361(4) the Credit Union has a statutory right of offset for the funds on hand.
4. Pursuant to paragraphs 7 and 8 of the contract, the debtors also contractual pledge their interest in shares and deposits with the credit union as collateral for the loans stated above.
5. Pursuant to 11 U.S.C. 362(d) Creditor has shown good cause for the automatic stay to be lifted.
6. Pursuant to L.B.R. 9014-1(g), concurrence of relief was sought at the First Meeting of Creditors and the debtor's attorney did not agree with Creditor's requests for relief.
7. Creditor's offset of funds will pay off the balances of their claims and increase the overall dividend to other unsecured creditors.

WHEREFORE, Creditor, requests that an Order to Lift Stay be entered to permit it to offset the funds against the debts owed and that this Order become effective upon its entry by waiver of L.B.R. 4001 (a)(3).

Dated: June 27, 2011

By: /S/ Christopher E. Frank
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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN RE:

Case No. 10-75103
Chapter 13
Hon. Tucker

Julie Torres

Debtor.

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ORDER LIFTING AUTOMATIC STAY

WHEREAS Creditor, Christian Financial Credit Union, having filed a Motion for Relief from the Automatic Stay and Notice and Opportunity for Hearing having been submitted and no objections having been filed hereto;

IT IS HEREBY ORDERED that the Stay afforded by 11 U.S.C. § 362 is lifted so as to permit Creditor, its successors and assigns, to enforce its interest, retake possession and sell the Collateral namely, shares, money markets and certificates of deposit in the amount of \$1,038.15.

IT IS FURTHER ORDERED that notwithstanding Rule 4001 (a)(3), Creditor, may execute on its Order immediately. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other Chapter of Title 11 of the United States Bankruptcy Code.

“EXHIBIT A”

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN RE:

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NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY

Christian Financial Credit Union has filed papers with the court for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to order relief from the automatic stay, or if you want the court to consider your views on the motion, within 15 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Christopher E. Frank Esq.
The Leduc Group, PLLC
117 W. 4th Street, Ste 201
Royal Oak, MI 48067
cfrank@bankruptcymangementgroup.com

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: 6/27/11

The Leduc Group, PLLC

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PROOF OF SERVICE

Christopher E. Frank hereby certifies that on 06/27/11 he served a copy of the following documents via ECF filing or US First Class Mail:

- **Motion for Relief for Relief from the Automatic Stay**
- **Notice of Motion for Relief from the Automatic Stay**
- **Proposed Order**
- **Proof of Service**

Upon via ECF:

Debtor Counsel, James Warr

Via: First Class Mail
Julie Torres, 17613 Lincoln, Eastpointe, MI 48021

Dated: 06/27/11

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